

PATENT

REMARKS

This paper is responsive to the Office Action dated December 16, 2004. Claims 1–40 were examined. Claims 3–5, 14–16, and 38–40 were allowed.

Rejection Under 35 U.S.C. §102

Claims 1–2, 6–8, 11, 13, 18–19, 25–27, and 30–32 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,347,991 issued to Armstrong (hereinafter “Armstrong”).

Claim 1

In rejecting claim 1, the Office refers to figures 2–5, 8–9, and 16 of Armstrong and the accompanying description. Specifically, the Office asserts that column 8, lines 12–34 of Armstrong teach “associating a first indication on the display with a user-defined external state,” (emphasis added).

On the contrary, Armstrong teaches a hand holdable telephone that has the ability to receive data updates for various types of data from a telecommunications network. When a data update is received by the telephone, the telephone displays the data received. The user can then view the updated data by scrolling it across or down the display. The scroll rate is selected by varying the finger pressure applied to an analog sensor. See Armstrong, column 8, lines 12–34.

Claim 1 recites:

associating a first indication on the display with a user-defined external state;
establishing a user-defined operation for monitoring the user-defined external state; and
updating the first indication on the display in accordance with the monitored user-defined external state in response to an information encoding thereof received via a telecommunications network.

PATENT

The Applicant submits that Armstrong does not teach or suggest any of the following: 1) a user-defined external state; 2) establishing a user-defined operation; 3) associating a first indication on the display with the user-defined external state; or 4) establishing a user-defined operation for monitoring the user-defined external state. Since Armstrong does not disclose each of the elements of claim 1, the rejection under 35 USC § 102(e) should be withdrawn.

Furthermore, none of the art of record discloses associating an indication on the display with a user-defined external state. Applicant therefore submits that claim 1 is in condition for allowance, and respectfully solicits a Notice of Allowance to that effect.

Claim 25

The Office rejected claim 25 for the same reasons it rejected claim 1.

Nowhere does Armstrong teach or suggest establishing user-defined associations with external states. The computer program product of claim 25 includes an element that recites:

a first functional sequence executable to establish an association between plural indications on a display of a portable device and respective user-defined external states.

Since Armstrong does not disclose each of the elements of claim 25, the rejection under 35 USC § 102(e) should be withdrawn.

Furthermore, none of the art of record discloses associating an indication on the display with a user-defined external state. Applicant therefore submits that claim 25 is in condition for allowance, and respectfully solicits a Notice of Allowance to that effect.

Claim 31

The Office rejected claim 31 for the same reasons it rejected claim 1.

However, Armstrong does not teach or suggest a means for associating a visual indication with an external state based on a user selection. Claim 31 recites, in part:

PATENT

means for associating, based on a user selection, the visual indication with a state external to the apparatus.

Since Armstrong does not disclose each of the elements of claim 31, the rejection under 35 USC § 102(e) should be withdrawn.

Furthermore, none of the art of record discloses associating an indication on the display with a user-defined external state. Applicant therefore submits that claim 31 is in condition for allowance, and respectfully solicits a Notice of Allowance to that effect.

Claims 2, 6–8, 11, 13, 18–19, 26–27, 30, and 32

Claims 2, 6–8, 11, 13, 18–19, 26–27, 30, and 32 depend either directly or indirectly from allowable independent claims 1, 25, or 31. For at least this reason, the Applicant respectfully submits that claims 2, 6–8, 11, 13, 18–19, 26–27, 30, and 32 are in condition for allowance, and respectfully requests the Office to withdraw its rejection of these claims.

Rejections Under 35 U.S.C. §103

Claims 9–10 and 12

Claims 9–10 and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Armstrong in view of U.S. Patent No. 6,690,394 issued to Harui (hereinafter “Harui”). Specifically, the Office relied on Armstrong to provide the teachings of the broad claims, and relied on Harui to provide elements recited in each of the dependent claims 9–10 and 12.

For reference, claim 1, from which claims 9–10 and 12 depend, recites:

associating a first indication on the display with a user-defined external state;
establishing a user-defined operation for monitoring the user-defined external state; and
updating the first indication on the display in accordance with the monitored user-defined external state in response to an information encoding thereof received via a telecommunications network.

PATENT

Since neither Armstrong, Harui, nor any other art of record discloses or suggests associating an indication on the display with a user-defined external state, no *prima facie* case of obviousness has been made out with respect to claims 9–10 and 12. Even if one combined the teachings of Armstrong and Harui, Applicant's claimed subject matter, which includes the limitations of claim 1, would not result. Claims 9–10 and 12, being dependent from allowable claim 1, are for at least this reason themselves allowable, and Applicant respectfully requests the Office to withdraw its rejection under 35 U.S.C. §103(a).

Claims 17 and 36–37

Claims 17 and 36–37 are rejected under 35 U.S.C. §103(a) as being unpatentable over Armstrong.

For reference, claim 1, from which claims 17 and 36–37 depend, recites:

associating a first indication on the display with a user-defined external state;
establishing a user-defined operation for monitoring the user-defined external state; and
updating the first indication on the display in accordance with the monitored user-defined external state in response to an information encoding thereof received via a telecommunications network.

Since neither Armstrong nor any other art of record discloses or suggests associating an indication on the display with a user-defined external state, no *prima facie* case of obviousness has been made out with respect to claims 17 and 36–37. For at least this reason, the Applicant submits that claims 17 and 36–37, containing all of the limitations of independent claim 1, are themselves allowable, and respectfully requests the Office to withdraw its rejection under 35 U.S.C. §103(a).

Claims 20–24

Claims 20–24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Armstrong in view of U.S. Patent No. 6,297,945 issued to Yamamoto (hereinafter "Yamamoto").

PATENT

In rejecting claim 20, the Office refers to figures 4, 7, 9, and 11 of Yamamoto and the accompanying description. Specifically, the Office asserts that columns 1–4 of Yamamoto teach using multiple displays to present more information to the user, and that it would be obvious to use these multiple displays in the mobile terminal of Armstrong.

Nowhere does Armstrong, Yamamoto, or any art of record, teach or suggest user-defined associations with external states. The portable device of claim 20 includes an element that recites:

a communications interface to be coupled to a telecommunications network, the communications interface coupled to the space-constrained display and allowing the portable device to receive information encoding one or more external states and to update respective ones of the visual indications based on respective user-defined associations with the external states.

Since the combination of Armstrong and Yamamoto does not disclose each of the elements of claim 20, no *prima facie* case of obviousness has been made out with respect to claim 20, and Applicant submits that claim 20 is in condition for allowance. Dependent claims 21–24, depending from allowable claim 20, are for at least this reason themselves allowable. Applicant therefore requests the Office to withdraw its rejection of claims 20–24 under 35 U.S.C. §103(a).

Claim 28

Claim 28 is rejected under 35 U.S.C. §103(a) as being unpatentable over Armstrong in view of U.S. Patent No. 6,556,217 issued to Makipaa (hereinafter “Makipaa”). In particular, the Office relies on Armstrong to provide the teachings of the broad claims, and relied on Makipaa to provide elements recited in each of the dependent claim 28.

To the contrary, neither Armstrong, Makipaa, nor any art of record discloses nor suggests establishing an association between indications on the display of a portable device and user-defined external states. Independent claim 25, from which claim 28 depends, recites, in part:

PATENT

a first functional sequence executable to establish an association between plural indications on a display of a portable device and respective user-defined external states.

Since the combination of Armstrong and Makipaa does not disclose establishing an association between indications on the display of a portable device and user-defined external states, no *prima facie* case of obviousness has been made out with respect to claim 28. Applicant submits that claim 28 is in condition for allowance, and respectfully requests the Office to withdraw its rejection under 35 U.S.C. §103(a).

Rejections Under 35 U.S.C. §112

Claims 33–35 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In particular, the Office objects to the phrase “user-defined evaluation criteria.”

Claims 33–35 have been *amended* to more particularly point out the subject matter to which Applicant believes he is entitled. No new matter has been introduced by this amendment.

Support for the amendment (and, for that matter, the original language) is found at least at Paragraph 1015 of the specification, as filed, which describes establishing “user-defined selections, criteria, thresholds, query definitions, etc.” that are used as bases for monitoring external states that are then encoded and displayed on a portable device. Applicant submits that the written description conveys, with reasonable clarity to those skilled in the art that, as of the filing date, Applicant was in possession of the invention as defined by claims 33–35, and therefore urges the Office to withdraw its rejection under 35 U.S.C. §112, first paragraph.

Furthermore, claims 33–35 depend respectively from allowable claim 1 and allowed claims 14 and 15. Applicant therefore submits that claims 33–35 are themselves allowable, and urges the Office to withdraw its rejection of these claims.

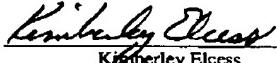
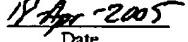
PATENT

Allowable Subject Matter (Claim 29)

The Office objected to claim 29 as being dependent upon a rejected base claim. The Office indicated, however, that claim 29 would be allowable if rewritten in independent form. Applicant thanks the Office for its recognition of the allowable subject matter of claim 29. However, as is clarified in more detail above, Applicant believes claim 25, upon which claim 29 depends, is in condition for allowance. Applicant therefore respectfully requests that the claim be allowed as currently presented.

CONCLUSION

In summary, claims 1–40 are in the case. All claims are believed to be allowable over the art of record, and a Notice of Allowance to that effect is respectfully solicited. Nonetheless, if any issues remain that could be more efficiently handled by telephone, the Examiner is requested to call the undersigned at the number listed below.

<u>CERTIFICATE OF MAILING OR TRANSMISSION</u>	
I hereby certify that, on the date shown below, this correspondence is being	
<input type="checkbox"/> deposited with the US Postal Service with sufficient postage as first class mail, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. <input checked="" type="checkbox"/> facsimile transmitted to the US Patent and Trademark Office.	
 Kimberley Elcess	 Date
EXPRESS MAIL LABEL: _____	

Respectfully submitted,



Kimberley Elcess, Reg. No. 36,128
 Agent for Applicant(s)
 (512) 338-6321
 (512) 338-6301 (fax)